

*Antelope Valley*  
Air Quality Management District

---



Draft  
Staff Report  
Proposed Adoption of the  
*Federal Negative Declarations for  
Three Source Categories*

For Adoption on  
October 19, 2010

43301 DIVISION ST., SUITE 206,  
LANCASTER, CALIFORNIA 93535-4649  
PHONE (661) 723-8070  
FAX (661) 723-3450

This page intentionally left blank.

**STAFF REPORT  
TABLE OF CONTENTS**

*Federal Negative Declarations for Three CTG Source Categories*

I. PURPOSE OF STAFF REPORT .....	1
II. EXECUTIVE SUMMARY .....	1
III. STAFF RECOMMENDATION .....	2
IV. LEGAL REQUIREMENTS CHECKLIST .....	3
V. DISCUSSION OF LEGAL REQUIREMENTS .....	4
A. REQUIRED ELEMENTS/FINDINGS .....	4
1. State Findings Required for Adoption of Rules & Regulations .....	4
a. Necessity .....	4
b. Authority .....	4
c. Clarity .....	5
d. Consistency .....	5
e. Non-duplication .....	5
f. Reference .....	5
g. Public Notice & Comment, Public Hearing.....	5
2. Federal Elements (SIP Submittals, Other Federal Submittals).....	5
a. Satisfaction of Underlying Federal Requirements .....	6
b. Public Notice and Comment .....	6
c. Availability of Document .....	6
d. Notice to Specified Entities .....	6
e. Public Hearing .....	6
f. Legal Authority to Adopt and Implement.....	6
g. Applicable State Laws and Regulations Were Followed.....	6
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS .....	7
C. ECONOMIC ANALYSIS .....	7
1. General.....	7
2. Incremental Cost Effectiveness.....	7
D. ENVIRONMENTAL ANALYSIS (CEQA).....	7
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS .....	8
1. Potential Environmental Impacts .....	8
2. Mitigation of Impacts.....	8
3. Alternative Methods of Compliance.....	8
F. PUBLIC REVIEW .....	8
VI. TECHNICAL DISCUSSION .....	8
E. SIP HISTORY .....	9
1. SIP History.....	9
2. SIP Analysis.....	9
Appendix A – Federal Negative Declarations .....	A-1
Appendix B - Public Notice Documents.....	B-1
Appendix C - Public Comments and Responses.....	C-1
Appendix D - California Environmental Quality Act Documentation .....	D-1
Appendix E - Bibliography .....	E-1

This page intentionally left blank.

## **STAFF REPORT**

### ***Federal Negative Declarations for Three CTG Source Categories***

#### **I. PURPOSE OF STAFF REPORT**

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

#### **II. EXECUTIVE SUMMARY**

The Antelope Valley Air Quality Management District (AVAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution adopting the *Federal Negative Declarations for Three Source Categories* and directing staff actions. These “Federal Negative Declarations” (FNDs) are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in these categories located within the AVAQMD.

Adoption of the FNDs will satisfy the specific federal requirement described below. Their adoption does not satisfy any other state or federal requirements imposed upon the District. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) which are ozone precursors. For those source categories not represented within the AVAQMD, USEPA requires the submission of a “Negative Declaration” certifying that those sources are not present. These Federal “Negative Declarations” are revisions to the State Implementation Plan (SIP). The *Federal Negative Declarations for 51 Source Categories* was adopted by the AVAQMD on September 19, 2006. The *Federal Negative Declarations for Three Source Categories* must be adopted to account for three additional source categories at the request of USEPA. These three source categories are: *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “*Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94)*”); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in*

*Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78).

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD, after conducting a public hearing, adopt the *Federal Negative Declarations for Three Source Categories*. Such action is necessary to satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *Federal Negative Declarations for Three Source Categories*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

##### **FINDINGS REQUIRED FOR RULES & REGULATIONS:**

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Non-duplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

##### **REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):**

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

##### **ELEMENTS OF A FEDERAL SUBMISSION:**

- X Elements as set forth in applicable Federal law or regulations.

##### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):**

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

##### **OTHER:**

- X Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “*Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94)*); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78). Since this document is required to be adopted pursuant to public notice and other requirements under 42 USC 7410(a)(2), the District considers the rule adoption process pursuant to Health & Safety (H&S) Code §40702 to be a proper way to meet these requirements. Therefore, these are actions, that need to be performed, and/or information, that must be provided in order to adopt this document in a procedurally correct manner.

#### 1. State Findings Required for Adoption of Rules & Regulations

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

##### a. Necessity

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is necessary because these source categories are not represented within the AVAQMD because the AVAQMD has been designated nonattainment for ozone and its precursors and USEPA requires the submission of a FND certifying that these sources are not present. The *Federal Negative Declarations for 51 Source Categories* was adopted by the AVAQMD on September 19, 2006. The *Federal Negative Declarations for Three Source Categories* is being adopted at the specific request of USEPA to cover three categories not addressed in the previous action.

##### b. Authority

AVAQMD has the authority pursuant to California H&S Code §40702, 40725-40728 to adopt, amend or repeal rules and regulations and to do such actions that are necessary or proper to execute the powers and duties granted to and imposed upon AVAQMD.



c. Clarity

The proposed adoption is clear in that it is written so that the FND certifying that these types of sources are not present within the District is easily understood.

d. Consistency

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. USEPA has specifically requested the adoption of a FND for these three source categories.

e. Non-duplication

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of “Negative Declarations” for those source categories not represented within the AVAQMD.

f. Reference

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations and do such acts as necessary and proper to execute the powers and duties granted to and imposed upon the District.

g. Public Notice & Comment, Public Hearing

Notice for the public hearing for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* will be published September 15, 2010. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and AVAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals)

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law, which requires the submittal. The information below indicates which elements are required for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements

The adoption of the *Federal Negative Declarations for Three Source Categories* is subject to all the requirements for a SIP submittal because the “Negative Declarations” will be included in the AVAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment

Notice for the public hearing for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* will be published September 15, 2010. See Appendix “B” for a copy of the public notice.

c. Availability of Document

Copies of the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and the accompanying draft staff report will be made available to the public on or before September 15, 2010.

d. Notice to Specified Entities

Copies of the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and the accompanying draft staff report will be mailed to all affected agencies, including but not limited to the California Air Resources Board (CARB) and USEPA. The proposed amendments will be sent to CARB and USEPA on or before September 8, 2010.

e. Public Hearing

A public hearing to consider the proposed adoption of the *Federal Negative Declarations for Three Source Categories* has been set for October 19, 2010.

f. Legal Authority to Adopt and Implement

The AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAQMD.

g. Applicable State Laws and Regulations Were Followed

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above

for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

## B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* will certify FNDs for *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “*Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94)*”); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78) and certify that they are not represented within the AVAQMD. Although the *Federal Negative Declarations for 51 Source Categories* was adopted on September 19, 2006, the *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA.

## C. ECONOMIC ANALYSIS

### 1. General

Adoption of the FNDs will identify three source categories listed above are not represented within the AVAQMD. The adoption will have no economic impact.

### 2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is not subject to incremental cost effectiveness calculations because this action does not impose BARCT or “all feasible measures”.

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed adoption of the *Federal Negative Declarations for Three Source Categories*.

1. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* meets the CEQA definition of "project." They are not "ministerial" actions.

2. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is exempt from CEQA review because it will not create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts since the FND merely certifies that there are no sources within these particular source categories located in the District, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

#### E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

##### 1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the proposed adoption of the FNDs because the FND merely certifies that the particular source categories are not located within the District.

##### 2. Mitigation of Impacts

N/A

##### 3. Alternative Methods of Compliance

N/A

#### F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix "B"

### VI. TECHNICAL DISCUSSION

USEPA required that all non-attainment areas submit an updated RACT SIP Analysis. The purpose of the RACT SIP Analysis is to ensure that District Rules adequately address current RACT requirements. AVAQMD review identified many source categories that do not have corresponding sources (major or minor) within the jurisdiction of the AVAQMD. The *Federal Negative Declarations for 51 Source Categories* was adopted on September 19, 2006 for these source categories. The *Federal Negative Declarations for Three Source Categories* in Table 1 is being adopted at the request of USEPA as they were not included in the previous adoption.

Table 1

<b>FEDERAL NEGATIVE DECLARATIONS FOR THREE SOURCE CATEGORIES</b>	
<b>Source Category</b>	<b>CTG/Guidance Document Covering action</b>
Ship Repair Operations	Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating) (61 FR 44050, 8/27/96) (Also see “Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94))
Storage of Petroleum Liquids in Fixed-Roof Tanks	Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036, 12/77)
Petroleum Liquid Storage in External Floating Roof Tanks	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047, 12/78)

## E. SIP HISTORY

### 1. SIP History

The AVAPCD came into existence pursuant to statute on July 1, 1997 (Health & Safety Code §40106, A.B. 266-Knight Ch.542, statutes of 1996). The rules and regulations of the SCAQMD remain in effect within the AVAPCD until the AVAPCD Governing Board adopted, amended or rescinded new ones (Health & Safety Code §40106(e)). Since the SIP applies to the territory for which it was approved at the time it was approved, the AVAPCD also inherited the SCAQMD SIP applicable to the Los Angeles County portion of the South East Air Basin (now called the Mojave Desert Air Basin) prior to July 1, 1997. On January 1, 2002, the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the SIP in effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded it.

### 2. SIP Analysis

The *Federal Negative Declarations for 51 Source Categories* was adopted on September 19, 2006 for 51 CTG source categories. The *Federal Negative Declarations for Three Source Categories*, specifically the source categories: *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94)); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78), are

being adopted at the request of USEPA because they were not included in the previous action.

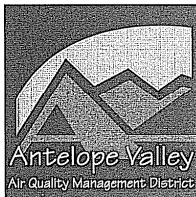
The AVAQMD has determined that no sources in the three source categories listed in Table 1 exist within its jurisdiction.

**Appendix “A”**  
***Federal Negative Declarations for Three Source Categories***

1. *Federal Negative Declaration (8-hr Ozone Standard) for Three Source Categories*

This page intentionally left blank.





Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

661.723.8070  
Fax 661.723.3450

Eldon Heaston, Executive Director

**Antelope Valley Air Quality Management District**  
***Federal Negative Declaration (8-hr Ozone Standard) for***  
***Three Source Categories***

The *Federal Clean Air Act* (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO<sub>x</sub>) in source categories covered by a Control Techniques Guideline (CTG) or Alternative Control Technique Guidance (ACT) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration to certify that those sources are not present. The FCAA requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by USEPA for "major sources" of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) which are ozone precursors. On March 9, 2006, USEPA shifted its main ozone standard from measurement on a one-hour basis to an eight-hour basis (8-hour ozone standard). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as moderate for the 8-hour standard. As a result of the new 8-hour standard, USEPA required that all non-attainment areas submit an updated *Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)*. The purpose of the *RACT SIP Analysis* is to ensure that District Rules adequately address current RACT requirements. The AVAQMD *RACT SIP Analysis* identified 51 source categories. The *Federal Negative Declarations for 51 Source Categories* was adopted on September 19, 2006 for these source categories. The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA.

The AVAPCD came into existence pursuant to statute on July 1, 1997 (Health & Safety Code §40106, A.B. 266-Knight Ch.542, statutes of 1996). The rules and regulations of the SCAQMD remained in effect within the AVAPCD until the AVAPCD Governing Board adopted, amended or rescinded new ones (Health & Safety Code §40106(e)). Since the SIP applies to the territory for which it was approved at the time it was approved, the AVAPCD also inherited the SCAQMD SIP applicable to the Los Angeles County portion of the South East Air Basin (now called the Mojave Desert Air Basin) prior to July 1, 1997. On January 1, 2002, the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the SIP in

Printed on recycled paper



effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded it. Thus, the AVAQMD is required to either retain RACT rules or to submit a Federal Negative Declaration to certify that there are no such sources in the particular source category within its jurisdiction.

The AVAQMD has examined its permit files, emissions inventory and other documentation and has determined that there are no sources in the three source categories referenced in attachment A, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any major stationary sources in the referenced categories located within the jurisdiction of the District. Therefore the AVAQMD requests the USEPA to approve this Federal Negative Declaration for the 8 hour Ozone Standard and include it in the State Implementation Plan for the AVAQMD.



Eldon Heaston  
Executive Director

7/20/10

Date

**Attachment A**

<b>FEDERAL NEGATIVE DECLARATIONS FOR THREE SOURCE CATEGORIES</b>	
<b>Source Category</b>	<b>CTG/Guidance Document Covering action</b>
Ship Repair Operations	Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating) (61 FR 44050, 8/27/96) (Also see "Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities (EPA-453/R-94-032, 4/94))
Storage of Petroleum Liquids in Fixed-Roof Tanks	Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks (EPA-450/2-77-036, 12/77)
Petroleum Liquid Storage in External Floating Roof Tanks	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks (EPA-450/2-78-047, 12/78)

This page intentionally left blank.

## **Appendix “B”**

### **Public Notice Documents**

1. Draft Proof of Publication – Antelope Valley Press

This page intentionally left blank.

## NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on October 19, 2010 at 10:00 A.M. to consider the proposed adoption of the *Federal Negative Declarations for Three Source Categories*.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the AVAQMD offices 43301 Division Street, Suite 206, Lancaster, CA 92525-4649 where all interested persons may be present and be heard. Copies of the proposed *Federal Negative Declarations for Three Source Categories* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the AVAQMD Offices. Written comments may be submitted to Bret Banks, Operations Manager at the above office address. Written comments must be received no later than October 18, 2010 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is being adopted at the specific request of USEPA. Those source categories not represented within the area of the AVAQMD because the AVAQMD has been designated nonattainment for ozone and its precursors and USEPA require the submission of a Federal Negative Declaration (FND) certifying that those sources are not present. The three source categories for which a FND are being adopted are: *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see "Alternative Control Technique Document: *Surface Coating Operations at Shipbuilding and Ship Repair Facilities* (EPA-453/R-94-032, 4/94)); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78).

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Crystal Bates  
Deputy Clerk of the Board  
Antelope Valley Air Quality Management District

This page intentionally left blank.



## **Appendix “C”**

### **Public Comments and Responses**

1. USEPA email, March 12, 2010

This page intentionally left blank.

**Tracy Walters**

**From:** Wong.Lily@epamail.epa.gov  
**Sent:** Friday, March 12, 2010 1:29 PM  
**To:** Alan De Salvio; Tracy Walters  
**Cc:** Tong.Stanley@epamail.epa.gov; Hong.Jeanhee@epamail.epa.gov  
**Subject:** RACT SIP follow-up

Alan & Tracy,

This email is a follow-up to our discussions in February in which we discussed the Districts' current efforts to address deficiencies associated with the 2006 RACT SIP Analysis submittals.

This email touches on:

1. Submittals -- notice, comment and Board adopted
2. List for Negative Declarations
3. The relationship of the Districts' current effort to supplement the 2006 RACT SIP Analysis and the Districts' obligations on "newer" CTGs (e.g., CTGs finalized in 2006, 2007, and 2008, after the Districts' submittal of their 2006 RACT SIP Analyses).

Submittals -- Notice, Comment, and Board Adopted

After our call, our attorney advised us that since RACT SIP Analyses in their entirety are actually approved into the SIP, it is important that supplemental materials submitted to address deficiencies should also have undergone notice, comment, and Board adoption.

List for Negative Declarations

AVAQMD and MDAQMD confirmed that the Districts do not have sources in the following CTG categories, so Negative Declarations would be appropriate.

**AVAQMD:**

- Ships - see August 27, 1996, 61 FR 44050, and "Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities" (EPA-453/R-94-032, 4/94).
- "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks" (EPA-450/2-77-036, 12/77).
- "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks" (EPA-450-2/78-047, 12/78).

**MDAQMD:**

- "Control of VOC Leaks from Petroleum Refinery Equipment" (EPA-450/2-78-036, 6/78, NTIS PB-286-158).
- "Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins" (EPA-450/3-83-008).
- "Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment" (EPA-450/3-83-006).

Relationship to CTGs finalized after 2006 RACT SIP Submittals

As you may know, States and Districts are required to certify that their rules meet current RACT

3/15/2010

within one year of EPA's publication in the Federal Register of the availability of the CTG. There are eleven CTGs that were finalized after the Districts' work on the 2006 RACT SIP Analyses, and these CTGs were not the bases for the deficiencies identified with the 2006 RACT SIP Analyses.

Because of the Districts' current efforts, if a rule is being updated to address the deficiencies with the 2006 RACT SIP Analysis and there is a more recent CTG that applies to the source category, it seems appropriate and an efficient use of resources that the District would also address the new CTG at the same time. An example might be the CTG for Industrial Cleaning Solvents (EPA 453/R-06-001).

Hope this helps. Let me know if you have questions.

Lily Wong  
USEPA Region 9  
Rules Office (Air-4)  
75 Hawthorne Street  
San Francisco, CA 94105

(415) 947-4114

3/15/2010

District Response to USEPA email

1. *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “*Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities* (EPA-453/R-94-032, 4/94)); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78) are included in the *Federal Negative Declarations for Three Source Categories* proposed for adoption.

This page intentionally left blank.

**Appendix “D”**  
California Environmental Quality Act  
Documentation

1. Draft Notice of Exemption – Los Angeles County

This page intentionally left blank.



## NOTICE OF EXEMPTION

**TO:** Los Angeles County Clerk  
12400 E. Imperial Hwy, #1001  
Norwalk, CA 90650

**FROM:** Antelope Valley  
Air Quality Management District  
43301 Division Street, Suite 206  
Lancaster, CA 93535-4649

X AVAQMD Clerk of the Governing Board

**PROJECT TITLE:** Adoption of the *Federal Negative Declarations for Three Source Categories*

**PROJECT LOCATION – SPECIFIC:** Los Angeles County portion of the Mojave Desert Air Basin.

**PROJECT LOCATION – COUNTY:** Los Angeles County

**DESCRIPTION OF PROJECT:** The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) which are ozone precursors. For those source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a “Negative Declaration” certifying that those sources are not present. These Federal “Negative Declarations” are revisions to the State Implementation Plan (SIP). The *Federal Negative Declarations for 51 Source Categories* was adopted by the AVAQMD on September 19, 2006. The *Federal Negative Declarations for Three Source Categories* must be adopted to account for three additional source categories at the request of USEPA. These three source categories are: *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96) (Also see “*Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities* (EPA-453/R-94-032, 4/94)); *Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks* (EPA-450/2-77-036, 12/77); and *Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks* (EPA-450/2-78-047, 12/78).

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Antelope Valley AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Antelope Valley AQMD

**EXEMPT STATUS (CHECK ONE)**

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is exempt from CEQA review because it will not create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts since the FND merely certifies that there are no sources within these particular source categories located in the District, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

**LEAD AGENCY CONTACT PERSON:** Bret Banks **PHONE:** (661) 723-8070

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Operations Manager **DATE:** October 19, 2010

**DATE RECEIVED FOR FILING:**

This page intentionally left blank.

## Appendix “E”

### Bibliography

The following documents were consulted in the preparation of this staff report.

1. Environmental Protection Agency – *Final Rule to Implement the 8-Hour Ozone NAAQS* (70 FR 71617, November 29, 2005)
2. EPA – various CTGs, ACTs, and other documents
3. California Health and Safety Code – various sections

This page intentionally left blank